

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following remarks is respectfully requested.

Claims 1, 7, 8, 10, 11, 17, 18, 20 and 21 are presently active in this application.

Claims 1 and 11 are amended, Claims 4 and 14 are cancelled and Claim 21 is added by the present amendment. Support to for amendments and additions to the claims can be found in the claims as originally filed, thus, no new matter is added.

In the Office Action, Claims 1, 4, 7, 11, 14 and 17 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement; Claims 1, 4, 7, 8, 10, 11, 14, 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Wojcik et al. (U.S. Pat. No. 5,666,493, herein “Wojcik”) in view of De Le Motte (U.S. Pat. Pub. No. 2005/0108140).

Before discussing the outstanding grounds for rejection in detail, it is believed that a brief review of the background of the invention would be helpful. In the manufacture of semiconductor devices, as a mask pattern is downsized, the defect specifications become stricter and the yields of mask products become lower. As a result, a sequence of mask manufacture, mask examination, and mask re-manufacture is sometimes repeated at a mask manufacturer side. It follows that, delivery dates to a mask buyer cannot be known because of the uncertainty arising as to the necessity of mask re-manufacture, and furthermore, if a mask manufacturer produces goods with too many defects, the re-manufacture process occupies manufacturing resources without generating additional profit.

However, even if a mask product does not satisfy certain defect specifications, the mask product may be useful for the mask buyer. For example, in the case of process condition setting (condition selection), a mask product having considerable defects can be used. Further, for example, in the case of a mask for a memory device, a mask product can

be used, as long as the number of defects expected to be generated on the device by use of the mask product is within a range that can be covered by the redundancy area of the memory device. However, in this latter case, the number of defects is greatly changed by the manufacturing conditions (such as cleanliness) of the process field in which the mask product is used. Accordingly, it depends on the mask buyer's circumstances whether a manufactured mask product is useful or not on the mask buyer side.

Amended Claim 1 recites, in part,

an examination data transmitting section configured to transmit information data to the mask buyer through the purchase mediating section, the information data including each defect coordinate position, a dimension of each defect generated in the mask product, and an optical simulation image obtained by use of the mask product, which are retrieved from the examination data;

a purchase selecting section configured to allow the mask buyer, through the purchase mediating section, to select, on the basis of the information data, whether to buy the mask product or not, the purchase selecting section including a portion configured to allow the mask buyer, through the purchase mediating section, to input a desired purchase price of the mask product

Claim 11 recites similar features.

The outstanding Office Action states starting on page 6, last paragraph, that "Wojcik does not explicitly teach examination data includes a coordinate position and a dimension of a defect generated in the product. Official notice is taken that it is old and well known that quality data contains various defect indicators as mentioned by Wojcik...therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a list and location of defects in the product to inform the customer as to any potential issues with the product."

In addition, the outstanding Action states beginning on page 8 that "with regard to "judgment data" [information data], Wojcik teaches quality assurance documentation which constitutes data. Wojcik does not express teach the specific data recited in claims 1, 4, 7, 11,

14 and 17; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited not do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.”

Further, the outstanding Office Action states on page 9 that “Wojcik does not specifically teach judgment data further includes an optical simulation image obtained by the mask product. Office Notice is taken that is old and well known that quality data contains various defect indicators as mentioned by Wojcik...therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a list and location of defects in the product to inform the customer as to any potential issues with the product.”

Applicants respectfully submit traverse the Official Notice taken in the outstanding Office Action and respectfully submit that it would not have been obvious to one ordinarily skilled in the art to transmit information data to the mask buyer through the purchase mediating section, the information data including each defect coordinate position, a dimension of each defect generated in the mask product, and an optical simulation image obtained by use of the mask product, which are retrieved from the examination data.

Although it may be well known to merely transmit a list of known issues of a product, it is not well known to transmit information data including each defect coordinate position, a dimension of each defect generated in the mask product, and an optical simulation image obtained by use of the mask product. These three features, which are included in the information data, are not merely a list of issues. Each defect coordinate position, the dimension of each defect generated in the mask product, and the optical simulation image obtained by use of the mask product enable the potential buyer to know if they will be able to

use the product. Without this information it would be impossible to judge if the mask will be useable or will include defects in areas that would cripple the function of any planned device.

MPEP §2144.03 states that “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known,” (emphasis added). Applicants respectfully submit that the information data as recited in Claim 1 is clearly not unquestionably well-known. In addition, the information data as recited in Claim 1 is sufficiently innovative to patentably distinguish over all of the references cited in the outstanding Action.

Further, Applicants respectfully traverse the assertion that the information data as well as the features included therein are “non-functional descriptive material.” The elements of the information data are essential for the operation of the claimed invention. The defect coordinate positions, the dimensions of each defect generated in the mask product, and the optical simulation image obtained by use of the mask product are essential elements that enable the buyer to make a decision on whether to buy the mask. Before the claimed invention, a mask manufacturer was forced to re-manufacture a mask several times in order to ensure viability of the product even though the product may have been able to be used by the buyer before re-manufacture. The claimed invention enables the buyer to compare the mask before re-manufacture with the buyer’s circuit design to see if the buyer would be able to use the first-run mask. If the user was able to use the first-run mask, the first-run mask could be discounted as the manufacturer would not need to re-manufacture the mask.

Accordingly, in light of the above discussion, Applicants respectfully submit that Claim 1 and similarly Claim 11 and claims depending therefrom patentably distinguish over Wojcik and De La Motte considered individually or in any combination.

In addition, Claim 21 has been added to include all of the features of amended Claim 1 and dependent Claims 7 and 10. Accordingly, Claim 21 also patentably distinguishes over the cited Wojcik and De La Motte references considered individually or in any combination

Consequently, in view of the deficiencies of the prior art above discussed, reconsideration and withdrawal of the outstanding grounds for rejection is believed to be in order and is respectfully requested. An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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